



2015 Election Legislation Recap

Montana Secretary of State Linda McCulloch Elections and Government Services

Following is a summary of 2015 legislation that affects election administration. This is only a summary of select legislation. The Secretary of State's office will provide a comprehensive review and training on implementation of various election bills and each election administrator must review and familiarize themselves with all election-related legislation.

HB 69 – Election Administrator Training

Effective January 1, 2016

- **13-1-203 Secretary of state to advise, assist, and train**
 - In addition to the biennial training, each election administrator must complete 6 hours of election-related continuing education each year
 - Training must be approved by the Secretary of State
 - The 6 hours can include:
 - Election training conducted at Clerk and Recorder/Election Administrator conferences
 - In-person, online and electronic training provided by the Secretary of State
 - Other conferences or trainings that include relevant election-related topics

HB 84 – SAVA Clean-up Bill

Effective November 4, 2015

NEW Section - SPECIAL PURPOSE DISTRICTS

The purpose is to consolidate, simplify, and standardize, to the extent feasible, dates and deadlines for special purpose district elections and to provide more consistency for election administrators and voters.

"Special purpose district" means an area with special boundaries created as authorized by law for a specialized and limited purpose.

- **NEW-Section 2 Deadlines for candidate filing, write-in candidacy, and withdrawal – election cancellation -- election by acclamation.**
 - Filing deadline for special purpose district candidates begins 145 days and ends 85 days before the election; candidate may not withdraw after the close of filing
 - Write-in candidates must file 10 days before ballots are available for absentee voting

- A special district election may be canceled if by the write-in deadline the number of candidates is equal to or less than the number of positions to be filled at the election
 - Costs could be incurred before the deadline to cancel
 - If the governing body appoints to a vacant position due to canceling of an election, appointee serves full term
- **NEW-Section 3 Deadlines for absentee and mail ballots.**
 - Absentee ballots must be available for voting at least 20 days before the election
 - For mail ballot elections, ballots must be mailed between 15-20 days before the election
- **NEW-Section 4 Dates for special purpose district elections -- call for election.**
 - Held on school election day EXCEPT
 - Funding elections may be held on a school election day or scheduled as a special election
 - Conservation District elections must be held on a primary or general election day
 - If specifically authorized by law, a special district election may be held at the district's annual meeting
 - Special purpose district election may not be held earlier than 85 days after the resolution calling for the election
 - Governing body shall specify in resolution if they are requesting the election to be conducted by mail
- **NEW-Section 5 Conduct of elections**
 - If a special purpose district covers more than one county, the election administrator in the county with the largest percentage of voters conducts the election
 - Notice of a special purpose district election must be published at least 3 times in the 4 weeks preceding the election (or may be broadcast)

NEW Section - LOCAL GOVERNMENT ELECTIONS

The purpose is to consolidate, simplify, and standardize, to the extent feasible, dates and deadlines for special purpose district elections and to provide more consistency for election administrators and voters.

- **Section 6. Purpose -- definition.**

"Local government" means a local government entity, other than a special purpose district or a school district, that is conducting an election that may be held on the same day as a primary election but is not a primary election, such as an election on question or an election for officers that does not involve a primary.

 - An example of a local government election would be a city, county or consolidated city/county election.
- **NEW Section 7. Election deadlines for candidate filing, write-in candidacy, and withdrawal – election cancellation -- election by acclamation.**
 - Same as Special Purpose Districts
- **Section 8. Deadline for absentee ballots and mail ballots.**
 - Absentee ballots must be available to be sent to absentee voters 25 days before the election
 - For mail ballot elections, ballots must be mailed between 15-20 days before the election
- **Section 9. Date of local government elections -- call for election.**
 - Elections must be held on primary election day or general election day
 - An election for funding may be a special election
 - Local government election may not be held earlier than 85 days after the resolution calling for the election
 - Governing body shall specify in resolution if they are requesting the election to be conducted by mail

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- **Section 10. Conduct of elections.**
 - Notice of a local government election must be published at least 3 times in the 4 weeks preceding the election (or may be broadcast)

OTHER AREAS OF HB 84 TO REVIEW

- **Removed requirement for petitions for candidates for special districts and school districts**
- **Notice of Election**
 - Notice for all elections (except school elections) must be published 3 times in the 4 weeks before the election
- **Local Government Review Elections**
 - Election of candidates for study commissioner can be canceled if the number of candidates is equal to or less than the number of positions to be filled
- **County Superintendent of Schools**
 - Term will begin January 1 after election (instead of the first Monday in January)
- **School Elections**
 - Will no longer be exempt from late registration
 - People will register at the county election office and receive confirmation of registration that will be presented to school clerk
 - Election must be called by resolution at least 70 days before any school election; resolution must include whether the election is requested to be by mail, and be transmitted to county election administrator within 3 days of passing.
 - School election is the only election that differs from the 85 day deadline to call an election
 - Candidate filing deadline is 40 days before election; withdrawal deadline is 32 days before election
 - School election is the only election that differs from the 85-145 day filing period and the 85 day withdrawal deadline
 - Petition requirement is removed
 - Write-in deadline is 31 days before election
 - School election is the only election that differs from the 30 day write-in deadline
 - Ballot certification deadline is 30 days prior to election
 - School election is the only election that differs from the 75 day ballot certification deadline
 - Absentee ballots must be available 20 days before the election (no change)
 - Absentee ballots for a school BOND election must be available 20 days before election (change from 30 days)
 - **Community college elections**
 - Must be run by county election administrators
 - Petition requirement is removed
 - Declarations for Nomination filed with county election administrator (instead of Regents)
- **Mail Ballot Elections**
 - Ballots must be mailed between 15-20 days before the election

HB 198 – Titles on Ballots

Effective October 1, 2015

- **New Section 1**
 - Specifies that information other than the candidate's name may not appear on the ballot
 - Includes a title, accomplishment, award, or degree

HB 209 – Designation of Agent for Voters with Disabilities

Effective October 1, 2015

- **13-1-116 Fingerprint, mark, or agent for disabled electors...**
 - Expands the use of the Agent Designation process to providing any assistance to the disabled elector throughout the registration and voting process
 - Includes the Agent being able to appear at the county election office to late register the disabled elector if necessary

HB 342 – Allow Absentee Confirmation via Email

Effective October 1, 2015

- **13-13-212 Application for absentee ballot-special provisions-biennial absentee ballot list**
 - Allows an elector to confirm their absentee address via email
 - Elector can confirm via email or via a website if one is established by the EA
 - Confirmation form does not need to be signed by the elector if confirming electronically
 - The new prescribed absentee address confirmation form must be used beginning with the January 2016 mailings

HB 400 – Allow Electronic Ballot for Disabled

Effective October 1, 2015

- **NEW Section in 13-13**
 - Allows an elector with a disability to vote using an electronic ballot
 - A written, email or in-person request must be made for the eballot
 - The eballot, instructions, envelopes and a transmittal coversheet sheet will be emailed to the elector (alternatively the envelopes may be mailed) – see attached transmittal coversheet
 - An official log of all eballots must be maintained

- The log already required for UOCAVA ballots has been revised and all eballots that are transcribed can be logged on one form going forward
- Eballots must be returned via mail or in person
- Eballots can be transcribed onto a regular ballot beginning no sooner than the day before election day
 - No fewer than 3 election officials must participate in the transcription process
- Disability for this purpose is defined as:
 - (2) "Disability" means a temporary or permanent physical impairment such as:
 - (a) impaired vision;
 - (b) impaired hearing; or
 - (c) impaired mobility. Individuals having impaired mobility include those who require use of a wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.

HB 454 – *Revise how Parties Select Precinct Members*

Effective October 1, 2015

- **13-38-201 Election or appointment of committee representatives at primary....**
 - Allows parties to appoint or elect precinct committee members
 - If the party chooses to elect precinct committee members, they may choose to run the election themselves (or may have the EA run it with the primary as it's currently done)

HB 529 – *Prohibit Candidate from Serving as Poll Watcher*

Effective October 1, 2015

- **13-13-120 Poll watchers-announcement of elector's name**
 - Prohibits a candidate from serving as a poll watcher at a polling place where the candidate's name is on the ballot.

2015 LEGISLATIVE REFERENDA for 2016 VIP and 2016 BALLOTS

There are no legislative referenda scheduled to be on the 2016 ballot.

